



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/731,235

12/08/2003

Kazuto Yoneyama

16869P-097700US

4953

20350 7590 05/26/2009
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

GORTAYO, DANGELINO N

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,235	Applicant(s) YONEYAMA, KAZUTO	
	Examiner DANGELINO N. GORTAYO	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/30/2009 has been entered.

Response to Amendment

2. In the amendment filed on 3/31/2009, claims 24 and 25 have been amended. Claim 26 has been cancelled. Claim 27 has been added. The currently pending claims considered below are Claims 24-25 and 27.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 recites the limitation "the server" in line 19 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 24-25 and 27 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kanazawa et al (US Patent 6,580,870 B1)

As per claim 24, Kanazawa teaches “A device for reproducing a content recorded on a recording medium, the device comprising:” (see Abstract)

“a recording medium control module configured to reproduce the content from the recording medium;” (column 4 lines 44-53, column 14 lines 10-19, wherein a drive accepts and reproduces content from a recording medium containing audiovisual information)

“a network control module coupled with the recording control module, the network control module configured to download content;” (column 4 lines 53-62, column 6 lines 14-30, column 8 lines 10-21, wherein a communication control section and modem connects to a server containing content)

“a playback control module coupled with the recording medium control module and the network control module, the playback control module configured to output the content reproduced by the recording medium control module and/or the content

Art Unit: 2168

downloaded by the network control module;” (column 6 line 61 – column 7 line 10, column 7 line 53 – column 8 line 9, column 15 lines 11-31, wherein data from the recording medium is streamed and outputted)

“and a system control module coupled with the recording medium control module and the network control module, the system control module configured to control the operations of the recording medium control module and the network control module;” (column 4 lines 45-53, column 6 lines 51-60column 8 lines 22-65, column 14 lines 10-16, wherein a CPU controls the operations of the communicator and drive containing the recording medium)

“wherein the content recorded on the recording medium includes all of the following: audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a related content which relates to the audiovisual content, and data for use in downloading the related content establishing a connection between the server and the device;” (column 4 line 65—column 5 line 54, wherein the recording medium contains audiovisual information, title information, identifier information, and URL information to access servers containing content)

“wherein the recording medium control module automatically reproduces the data on the recording media;” (column 6 lines 37-50, column 8 lines 7 lines 53-64, column 15 lines 34-57, wherein the drive reads data from the recording medium automatically)

“and wherein the system control module is further configured to instruct the network control module to connect with a server which stores the related content using

Art Unit: 2168

the URL information and the data reproduced by the recording medium control module, to send the content identification information reproduced by the recording medium control module to the server, and to download the related content from the server using the data to execute a command to connect the device to the server, if a user requests to download the related content.” (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and requests to download it and display the content)

As per claim 25, Kanazawa teaches “A method for reproducing a content recorded on a recording medium, the method comprising:” (see Abstract)

“reproducing audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a related content which is related to the audiovisual content, and data for use in downloading the related content, wherein the device automatically requests the and establishing a connection between a server and a reproducing device;” (column 4 line 65—column 5 line 54, column 6 lines 37-50, wherein the recording medium contains audiovisual information, title information, identifier information, and URL information to access servers containing content)

“reproducing the data on the recording media automatically;” (column 6 lines 37-50, column 8 lines 7 lines 53-64, column 15 lines 34-57, wherein the drive reads data from the recording medium automatically)

“connecting with the server which stores the related content using the URL information and the data reproduced from the recording medium;” (column 4 lines 53-62, column 6 lines 14-30, column 8 lines 10-21, wherein a communication control section and modem connects to a server containing content)

sending the content identification information reproduced from the recording medium to the server; (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and requests to download it and display the content)

downloading the related content from the server , if a user requests to download the related content (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and requests to download it and display the content)

and outputting, to a display device, the audiovisual content which is reproduced from the recording medium and/or the related content which is downloaded from the server. (column 6 line 61 – column 7 line 10, column 7 line 53 – column 8 line 9, column 15 lines 11-31, wherein data from the recording medium is streamed and outputted)

As per claim 27, Kanazawa teaches A method for recording a content on a recording medium (see Abstract)

comprising: recording an audiovisual content, recording an identification information for identifying the audiovisual content, recording a URL information indicating a location of a related content relating to the audiovisual content; (column 4 line 65—column 5 line 54, column 6 lines 37-50, wherein the recording medium contains audiovisual information, title information, identifier information, and URL information to access servers containing content)

and recording data for use in downloading the related content and establishing a connection between a server and a reproducing device; (column 4 lines 53-62, column 6 lines 14-30, column 8 lines 10-21, wherein a communication control section and modem connects to a server containing content according to the recording medium information

“wherein the data on the recording media is reproduced automatically by the reproducing device;” (column 6 lines 37-50, column 8 lines 7 lines 53-64, column 15 lines 34-57, wherein the drive reads data from the recording medium automatically)

“and wherein the URL information and the data are used for connecting with the server which stores the related content, sending the content identification information to the sever, downloading the related content from the server, if a user requests to download the related content, and outputting, to a display device, the audiovisual content which is reproduced from the recording medium and/or the related content which is downloaded from the server” (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is

Art Unit: 2168

presented with information related to the recording medium data and requests to download it and display the content)

Response to Arguments

7. Applicant's arguments with respect to claims 24-25 and 27 have been considered but are moot in view of the new ground(s) of rejection. The amendments to the claims necessitated new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mohan et al. (US Patent 7,313,809 B1)

Kim et al. (US Publication 2004/0181816 A1)

Naples (US Publication 2004/0002997 A1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dangelino N Gortayo/
Examiner, Art Unit 2168

Dangelino N. Gortayo
Examiner

/Tim T. Vo/
Supervisory Patent Examiner, Art
Unit 2168

Tim T. Vo
SPE